

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL MCCLOUD,

Plaintiff,

-against-

ORDER

06 CV 5443 (RJD) (LB)

ROBERT CUTLER, Parole Officer;
CONSTANCE AUGUSTYN, Parole Officer;
GEORGE BENJES, Parole Officer; and
FRANK HOOLAN, Parole Officer, in Their
Individual and Official Capacities,

Defendants.

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DEARIE, Chief Judge.

Plaintiff, *pro se*, brought this action pursuant to 42 U.S.C. § 1983, alleging that defendants falsely testified against him at his parole hearing, resulting in his nearly three-year re-incarceration. Plaintiff also alleged that plaintiffs assaulted him and destroyed evidence relevant to the parole hearing. Defendants moved to dismiss for failure to state a claim under Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. This Court referred the motion to Magistrate Judge Lois Bloom pursuant to 28 U.S.C. § 636(b)(1)(A), and on February 8, 2008, Magistrate Judge Bloom issued a Report and Recommendation ("Report") that recommended defendants' motion to dismiss should be granted and plaintiff's claim should be dismissed in its entirety. Plaintiff submitted objections on February 14, 2008.

The Court reviews *de novo* those recommendations to which a party has specifically objected. Fed. R. Civ. P. 72(b)(3). Plaintiff objects to the Report's recommendation that his claims are time-barred, but as the Report correctly concluded, plaintiff's claim of false

imprisonment accrued from the moment he was re-incarcerated, more than three years before he brought this action. See Wallace v. Kato, 549 U.S. ----, 127 S. Ct. 1091, 1095 (2007). Plaintiff's claim of false imprisonment is therefore untimely, as are all his remaining claims. The Court adopts the recommendations of the Report in full.

The Clerk of the Court is hereby directed to close this case.

SO ORDERED.

Dated: Brooklyn, New York
March 31, 2008

s/RJD

RAYMOND J. DEARIE
United States District Judge